

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

06-CA-155317

Date Filed

7-2-15

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Meg-Nik, Inc. d/b/a McDonalds, and McDonald's USA LLC, Joint Employers	b. Tel. No. 412-391-1384
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 1. a. 500 Liberty Avenue, PGH, PA. 15222 b. 517 East Main St., Monongahela, PA. 15063 2. One McDonald's Plaza Oak Brook, Illinois 60523	e. Employer Representative 1. (b) (6), (b) (7)(C) 2. Gloria Santana
	g. e-Mail
	h. Number of workers employed Specific Store: Approx 40
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
a. Since on or about _____ and at all times since then the above named employer by its agents, officers, and representatives has interfered with, restrained, and coerced employees by interrogating and threatening employees;	
b. Since on or about (b) (6), (b) (7)(C) 2015, respondent retaliated against employee (b) (6), (b) (7)(C) by stating (b) (6) would be suspended for three days for an incident which allegedly occurred on (b) (6), (b) (7)(C) 2015, later instead imposing a written warning. Respondent engaged in the conduct described above because the named employee joined, assisted, and supported the union, and engaged in concerted activities for the purpose of mutual aid and protection, and respondent did so in order to discourage employees from engaging in such activities for the purpose of collective bargaining or other mutual aid and protection.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Pennsylvania Workers Organizing Committee (A Project of the Fast Food Workers Committee)	
4a. Address (Street and number, city, state, and ZIP code) c/o Healey and Hornack 247 Fort Pitt Blvd., Fourth Floor Pittsburgh, PA. 15222	4b. Tel. No. 412-391-1428
	4c. Cell No.
	4d. Fax No. 412-281-9509
	4e. e-Mail mike@unionlawyers.net
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) See Number 3.	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  (Signature of representative or person making charge)	Michael J. Healey (Print/type name and title or office, if any)
247 Fort Pitt Blvd., 4th Floor, PGH. PA. 15222 Address	6/30/15 (date)
	Tel. No. 412-391-1428
	Office, if any, Cell No. 412-760-0342
	Fax No. 412-281-9509
	e-Mail mike@unionlawyers.net

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 6
1000 Liberty Ave Rm 904
Pittsburgh, PA 15222-4111

Agency Website: www.nlr.gov
Telephone: (412)395-4400
Fax: (412)395-5986



Download
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July 2, 2015

Meg-Nik, Inc. d/b/a McDonalds, and McDonald's
USA LLC, Joint Employers
(b) (6), (b) (7)(C)
500 Liberty Ave
Pittsburgh, PA 15222-1871

Re: Meg-Nik, Inc. d/b/a McDonalds, and
McDonald's USA LLC, Joint Employers
Case 06-CA-155317

Dear **(b) (6), (b) (7)(C)**

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Emily M. Sala whose telephone number is (412)395-6892. If this Board agent is not available, you may contact Supervisory Attorney Patricia J. Daum whose telephone number is (412)395-6367.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

July 2, 2015

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Nancy Wilson". The signature is fluid and cursive, with the first name "Nancy" and last name "Wilson" clearly distinguishable.

Nancy Wilson
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Meg-Nik, Inc. d/b/a McDonalds, and
McDonald's USA LLC, Joint Employers
Gloria Santona
One McDonald's Plaza
Oak Brook, IL 60523

Meg-Nik, Inc. d/b/a McDonalds, and
McDonald's USA LLC, Joint Employers
517 E Main St
Monongahela, PA 15063-1507

nm

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Meg-Nik, Inc. d/b/a McDonalds, and McDonald's USA LLC, Joint Employers

CASE NUMBER

06-CA-155317

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues from all sales or performance of services (Check the largest amount)**☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**MEG-NIK, INC. D/B/A MCDONALDS, AND
MCDONALD'S USA LLC, JOINT EMPLOYERS**

Charged Party

and

**PENNSYLVANIA WORKERS ORGANIZING
COMMITTEE, A PROJECT OF THE FAST
FOOD WORKERS COMMITTEE**

Charging Party

Case 06-CA-155317

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 2, 2015, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Meg-Nik, Inc. d/b/a McDonalds, and McDonald's
USA LLC, Joint Employers
500 Liberty Ave
Pittsburgh, PA 15222-1871

Gloria Santona
Meg-Nik, Inc. d/b/a McDonalds, and McDonald's
USA LLC, Joint Employers
One McDonald's Plaza
Oak Brook, IL 60523

Meg-Nik, Inc. d/b/a McDonalds, and McDonald's
USA LLC, Joint Employers
517 E Main St
Monongahela, PA 15063-1507

July 2, 2015

Date

Charlene M. Prosser, Designated Agent of
NLRB

Name

/s/ Charlene M Prosser

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 6
1000 Liberty Ave Rm 904
Pittsburgh, PA 15222-4111

Agency Website: www.nlr.gov
Telephone: (412)395-4400
Fax: (412)395-5986



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July 2, 2015

Pennsylvania Workers Organizing Committee,
A Project of the Fast Food Workers Committee
c/o Healey and Hornack
247 Fort Pitt Blvd, Fourth Floor
Pittsburgh, PA 15222

Re: Meg-Nik, Inc. d/b/a McDonalds, and
McDonald's USA LLC, Joint Employers
Case 06-CA-155317

Dear Sir or Madam:

The charge that you filed in this case on July 02, 2015 has been docketed as case number 06-CA-155317. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Emily M. Sala whose telephone number is (412)395-6892. If this Board agent is not available, you may contact Supervisory Attorney Patricia J. Daum whose telephone number is (412)395-6367.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

July 2, 2015

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Nancy Wilson", written in a cursive style.

Nancy Wilson
Regional Director

cc: Michael J. Healey, Esq.
Healey & Hornack, P.C.
247 Fort Pitt Blvd 4th Fl
Pittsburgh, PA 15222

nm

From: [Sala, Emily M.](#)
To: ["Mike Healey"](#)
Subject: RE: Meg-Nik, Inc. d/b/a McDonalds, and McDonald's USA LLC, Joint Employers, Case 06-CA-155317
Date: Wednesday, July 15, 2015 3:58:00 PM

Thank you. If the agreement will not be finalized this week, my supervisor wanted me to advise you that we should schedule your witness' affidavit for the following week. It is unlikely that I would take the affidavit(s) because of a pending project to which I am assigned for next week so my supervisor would find another Board Agent who was available to take the affidavit. I do understand the likelihood that the matter will settle, but short of it reaching that point, as you know it is important that investigations begin promptly, so I ask that you please find out your witness' availability (and yours assuming you will be present) for next week, in case we need to hold the affidavit(s).

Thank you for your cooperation.

Emily Sala

From: Mike Healey [mailto:mike@unionlawyers.net]
Sent: Wednesday, July 15, 2015 2:47 PM
To: Sala, Emily M.
Subject: RE: Meg-Nik, Inc. d/b/a McDonalds, and McDonald's USA LLC, Joint Employers, Case 06-CA-155317

Waiting for company to get back to me on the draft—they wanted to tweak it a bit but basically 5 parts:

1. Remove discipline from file;
2. Let employee view personnel file to confirm what is or is not in;
3. Withdrawal of charge;
4. Non Board settlement
5. Non admissions on both sides.

Basically we want to do it this way—because it resolves the discipline now, if we proceed and there is a merits finding, my understanding is that all mcd's joint employer cases sit and can not be settled and it could be years before there is a resolution

From: Sala, Emily M. [<mailto:Emily.Sala@nrlrb.gov>]
Sent: Wednesday, July 15, 2015 11:33 AM
To: Mike Healey
Subject: Meg-Nik, Inc. d/b/a McDonalds, and McDonald's USA LLC, Joint Employers, Case 06-CA-155317
Importance: High

Mr. Healey:

Do you have a copy you can provide me of the draft non-Board settlement agreement in the above

case? What is the status of the parties' agreement to date?

Thank you, and I look forward to hearing from you.

Emily Sala

Emily M. Sala
National Labor Relations Board, Region 6
1000 Liberty Avenue, Room 904
Pittsburgh, PA 15222
Phone (412) 395-6892
Fax (412) 395-5986

From: [Mike Healey](#)
To: [Sala, Emily M.](#)
Subject: FW: Please print out on letterhead and make 1 copy for file
Date: Thursday, July 16, 2015 11:30:46 AM
Attachments: [doc00853920150716110617.pdf](#)

Emily:

Attached is the copy of the non board settlement in this matter which resolves this particular situation. I have signed it as has (b) (6), (b) (7)(C) of the franchise. (b) (6), (b) (7)(C) will be signing it when (b) (6) gets back into town next week. I have reviewed the terms with (b) (6), (b) (7)(C) before this was finally signed off on, and (b) (6) is very content with this.

Also please consider this e mail a request to withdraw the charge in the above captioned matter.

Mike Healey

SETTLEMENT AGREEMENT

Whereas, the Pennsylvania Workers Organizing Committee (A Project of the Fast Food Workers Committee ("Union")) filed unfair labor practice charges at the National Labor Relations Board ("NLRB") against MEG-NIK, Inc. ("Employer") and McDonald's USA, LLC as joint employers at Case No.06-CA- 155317;

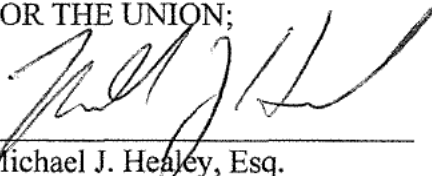
Whereas, that case arose out of discipline imposed on (b) (6), (b) (7)(C) on or about (b) (6), (b) (7)(C), 2015 for an incident which allegedly occurred on or about (b) (6), (b) (7)(C) 2015;

Whereas, the Union, (b) (6), (b) (7)(C), and. MEG-NIK, Inc. desire to amicably enter into a settlement in this case without the necessity of proceedings before the NLRB;

Therefore, the parties, agreeing to be legally bound this (b) (6), (b) (7)(C), 2015, specifically agree as follows:

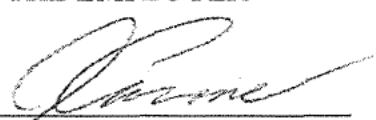
1. The Employer will remove from (b) (6), (b) (7)(C) personnel file the discipline imposed during the month of (b) (6), (b) (7)(C) 2015;
2. The Employer will allow (b) (6), (b) (7)(C) to review (b) (6), (b) (7)(C) personnel file and to make copies of any disciplinary papers that are in the file;
3. The Union will withdraw the unfair labor practice charge in this matter at the NLRB.
4. The parties agree that this is a non Board settlement.
5. By entering into this Settlement Agreement the parties agree it does not constitute an admission of any of the allegations or claims of any party in this matter.

FOR THE UNION;



Michael J. Healey, Esq.

FOR THE EMPLOYER



MEG-NIK Inc.

(b) (6), (b) (7)(C)

From: [Bernett, Suzanne C.](#)
To: [McCarthy, Lynn J](#)
Cc: [Daum, Patricia J.](#); [Sala, Emily M.](#)
Subject: FW: Meg-Nik d/b/a McDonalds *155317
Date: Friday, July 17, 2015 2:08:00 PM
Attachments: [09031d4581d17d59.docx](#)
Importance: High

The withdrawal request-adjusted-is Approved.

From: Daum, Patricia J.
Sent: Friday, July 17, 2015 1:44 PM
To: Bernett, Suzanne C.
Cc: Sala, Emily M.; McCarthy, Lynn J
Subject: Meg-Nik d/b/a McDonalds *155317
Importance: High

I agree with the recommendation to approve the withdrawal request (ADJUSTED). (b) (5)

[REDACTED]

Please advise.

Patti D.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 06
1000 Liberty Ave Rm 904
Pittsburgh, PA 15222-4111

Agency Website: www.nlrb.gov
Telephone: (412)395-4400
Fax: (412)395-5986

July 20, 2015

Doreen S. Davis, Attorney
Ilana Yoffe, Esq.
Jones Day
222 East 41st Street
New York, Ny 10017-6702

Michael S. Ferrell, Esq.
Jones Day
77 W Wacker Dr Ste 3500
Chicago, IL 60601

Re: Meg-Nik, Inc. d/b/a McDonalds, and
McDonald's USA LLC, Joint Employers
Case 06-CA-155317

Dear Ms. Davis, Ms. Yoffe, Mr. Ferrell:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Nancy Wilson
Regional Director

cc: Meg-Nik, Inc. d/b/a McDonalds, and
McDonald's USA LLC, Joint Employers
Gloria Santona
One McDonald's Place
Oak Brook, IL 60523

Meg-Nik, Inc. d/b/a McDonalds, and
McDonald's USA LLC, Joint Employers
517 E Main St
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Pittsburgh, PA 15222-1871

Michael J. Healey, Esq.
Healey & Hornack, P.C.
247 Fort Pitt Blvd 4th Fl
Pittsburgh, PA 15222

Pennsylvania Workers Organizing
Committee, A Project of the Fast Food
Workers Committee
c/o Healey and Hornack
247 Fort Pitt Blvd, Fourth Floor
Pittsburgh, PA 15222